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*A EUROPEAN EMPLOYMENT POLICY WITHOUT POLITICS: HOW EUROPEAN BUREAUCRATS
USED EXPERTISE AS POWER EXPANSION*

ABSTRACT This paper investigates how a policy-model articulates two streams that have long been considered by both academics and political stakeholders as mutually exclusive. The European employment *flexicurity* model explicitly combines flexibility (on the labour markets) and security (for the workers). It clarifies European objectives in the social and employment policy field centred on a mutually reinforcing vision of the employers' and employees' rights and duties. At both European and domestic levels, various political actors (trade unions, employers' representative, political leaders) have endorsed the need for policy-reforms centred on the structuring elements of the European flexicurity model (flexibilisation of employment contracts; active labour market policies; life-long learning schemes; modernization of social security schemes¹). This paper shows that the construction of this policy-model was not the result of a political process. Politics (domestic uploading strategies, political leaders and political parties, etc.) cannot explain the emergence of the European flexicurity model. Rather, the alliance between academic experts and a few actors in the directorate general of employment affairs of the Commission took the lead over political mobilization. The use of national policy comparisons in European reports and policy documents allowed the directorate of employment and social affairs to expand its legitimacy within the Commission and among national actors.

Key words: European Policy-Making; Experts; European Commission; Employment Policy; Welfare State

¹ Communication of the European Commission, COM 2007 (359), Towards Common Principles of Flexicurity: More and better jobs through flexibility and security.

INTRODUCTION

The European employment *flexicurity* model was defined in 2006-2007 and combines ‘flexibility’ (on the labour markets) and ‘security’ (for the workers)². Academics and policy-makers have traditionally considered these two streams as mutually exclusive. However, and in the absence of executive competences in the employment field, the European Commission built a policy-model that both challenges national welfare regimes (particularly the conservative-corporatist – or continental – one) and have been endorsed by various political stakeholders in Europe.

Four elements structure the model³. The balance of these elements can be considered ambiguous but nevertheless restrict national policy-making. First, this paper shows that the European construction of the flexicurity model is largely a non-political process. It was not thoroughly discussed in political arenas (European and national institutions or political parties). Nor, was it an agenda set by social partners or the result of European social dialogue. Political leaders did not consistently engaged in its promotion at the European level. National bureaucrats in the Council or Permanent Representations did not try to make their domestic models endorsed by European institutions (uploading). Rather, research and publications of national academics (especially from the Netherlands and Denmark) were significantly used in the mid-2000s reports of the Commission. The paper contributes to the literature on uploading strategies in a European context. Whereas the literature on uploading strategies as so far focused on diplomats (Tonra, 2000; Jakobsen, 2009) and political leaders (Blunden, 2000; Lefebvre, 2004, Haverland, 2009), this paper sheds light on the role of national academics in the construction of a policy-model that mirrors the domestic employment schemes they have analysed in their research. The Dutch, and then the Danish model, have been thoroughly discussed by national academics from these countries since the mid-1990s). Using the web of European Foundations, satellite

² In European official documents, the term itself first appears in the Employment in Europe 2006 report. It breakthroughs in a 2007 Communication of the European Commission, COM 2007 (359), Towards Common Principles of Flexicurity: More and better jobs through flexibility and security.

³The four components of the European flexicurity model as defined in the 2007 Communication of the Commission are: 1) Flexibilisation of employment contracts; Active labour market policies; Life-long learning schemes; Modernization of social security schemes.

European institutions (e.g., the European Economic and Social Committee) and European think tanks, but more importantly because European bureaucrats have mobilized them, these academics have entered – and influenced – the European debate. Successful policy models such as the ‘Dutch Miracle’ or the ‘Danish Golden Triangle’ (Madsen, 2002) were crafted by European academics and used by actors in the directorate general for employment and social affairs (DG EMPL) of the Commission to influence the blooming of a European consensus on the issue.

All in all, the process was not without political conflicts, but these conflicts were more important after the stabilization of the European model in 2007 than during the process as such. The late politicization of flexicurity in a second phase (after the Communication of the Communication and the consecutive resolution of the Council voted by the European Parliament) has increased since the beginning of the financial and economic crisis in 2008. This sequence is not the focus of this paper but it worth’s noting that the framed discourse on the Danish model was a way for the Commission to ‘sell flexicurity’ to social partners and left-wing political leaders and parties. Indeed, the fact that the model was largely framed on the Danish model made it difficult ETUC for trade union representatives in Brussels (ETUC) to hand out (and eventually step back). The Danish model was hardly questionable because it was largely presented as an alternative to the liberal model promoted by the OECD in the 1990s. More importantly, the Danish model (which is a mix of labour market flexibility and high social security, hold together by active labour market policies⁴) is known to rely on a balanced social dialogue and to provide high standards of security for its citizens.

While Radaelli argues that “the power of expertise is being counterbalanced by politicization” (1999:757), this paper shows that flexicurity has not been highly politicized in European institutions (section 1). The relative absence of member states and national bureaucrats in the process of the construction of the European flexicurity model was counterbalanced by the role of academic experts (who often come from ‘pioneers flexicurity countries’ such as the Netherlands and Denmark), which contributed to the depoliticization of the debate (section 2). This paper investigates the role of national academics and national bureaucrats and identifies the mechanisms under the construction of such a coalition. According to Radaelli, the main debate on

⁴ These are the three elements of the ‘Danish Golden Triangle’.

the role of expertise in policy-making “is not about types of actor (experts instead of elected politicians) but about the change in the nature of power” (1999: 759). Without undermining the importance of the ‘nature of power’, this paper shows that the types of actors not only matters but also that their influence does not only depend on the organizational structures in which they publicize their ideas. In the case of flexicurity, structured organizations and instances of academic expertise were not crucial. While several studies have been interested in epistemic communities (Haas, 1992; Zito, 1998, 2001), experts groups (Gornitzka and Sverdrup, 2008), high-level groups (Horn, 2008), networks of expertise (Radaelli, 1998), think-tanks (Stone, Denham and Garnett, 1998) or Committees (Pedler and Schaefer, 1996; Joerges and Vos, 1999), this paper shows that such structured instances were not necessary for academic experts to influence European policy objectives. From a political science perspective, this argument can be surprising. However, despite of the lack of structured instances that organize experts’ interaction, their influence was possible because flexicurity was discussed in the context of soft law and the Open-Method of Coordination (OMC)⁵. As the OMC has allowed for the development of periodic monitoring of national social reforms, the pace of European reporting increased. The paper shows that these reports were particularly important to craft ‘successful policy models’. Academic expertise was presented in these reports, which were more crucial in the definition of flexicurity than structured instances of academic expertise.

This research relies on semi-directed interviews with European actors. It qualitatively analyzes the arguments and sources presented in official and political documents; when necessary, quantitative data is provided to describes issue salience and discusses politicization. The first section of the paper shows that the emergence of the European flexicurity model does not originate from national governments and bureaucrats and that the process was not politicized in European institutions (European Council, Council of the Ministers, European Parliament). National leaders and bureaucrats or social partners did not engage for its implementation. The second section of the paper

⁵ The European Council of Lisbon in March 2000 introduced the “Open Method of Coordination”. It is based on soft-law (by contrast to ‘hard-law’, soft-law is not legally constraining for the member states) and involves the fixation of guidelines and timetables for achieving short, medium and long-term goals; the translation of these guidelines into national and regional policies; the establishment of quantitative and qualitative indicators and benchmarks, as a means of comparing best practices; and the periodic monitoring of the progress achieved.

shows that academic expertise was mobilized in European reports driven by DG EMPL. European bureaucrats in DG EMPL engaged in a “let’s bandwagon strategy”, that is that they mobilised the increasing use of national comparisons and academic knowledge to draw successful policy models and ask European laggards to bandwagon.

The paper sheds light on a European policy-making process and investigates the interface between nation states and the EU. It contributes to the literature on uploading strategies by stressing the way academic experts from specific countries contributed to the definition of European policy objectives. National academics worked on the definition (and one might say uploading) of their national models and actors within DG EMPL institutionally supported it. The former hence gave visibility to their research and sometimes increased their academic resources at home, while the latter increased their legitimacy within the Commission.

SECTION 1. WHY IT IS NOT ABOUT STATES OR POLITICS

1.1. ‘Big’ and ‘small’ states, national leaders, and intergovernmentalism

When it comes to discuss the role of member states in the definition of European policies, liberal intergovernmentalist theory is the one that first comes to mind. The renewal of this approach in the early 1990s and the focus on the central role of national governments in the European policy-making make clear the original argument according which European integration strengthens states sovereignty and optimize national gains (instead of undermining national policy-making capacity) (Milward, 1992). My concern here is not to address the consequences of the development of European policies but to evaluate the role of member states in the definition of European policies. For liberal intergovernmentalist theorists, it is clear that the objectives of European policies cannot be at odd with member states preferences. An important element concerns the bargaining power of the member states, the most powerful being the larger economic ones (Moravscik, 1998). If we follow this assumption, the definition of flexicurity would allow national governments of large (and economically powerful) European countries to legitimate a new policy agenda oriented towards flexibilisation (of employment contracts), activation (of labour market policies), life-long learning schemes and modernization of social

protection. Among the different types of welfare regimes defined by Esping-Andersen in its influential *Three Worlds of Welfare Capitalism* (1990), the conservative-corporatist regimes (that is, continental countries⁶) are the most distant from European schemes⁷. To put it differently, the European employment policy model mixes liberal (e.g., flexible contracts) and Scandinavian elements (e.g. active labour market policies). In any cases, the traditional features of continental welfare regimes, that is the commitment to employment status, open-ended and permanent employment contracts (Esping-Andersen, 1990) are far from European schemes. From this principle derives a set of conservative-corporatist elements, among which the subordination of unemployment benefits to previous work, which favours passive labour market policies⁸. What is striking is that these continental countries (France, Italy, Germany...) all belong to the 'large states' category (in terms of their territory as well as their economic power within Europe). According to liberal intergovernmentalist theorists they are the one that are powerful in the European bargaining process. Hence, they should be the ones that pushed in the direction of the definition of European flexicurity schemes.

Some authors interested in the role of member states in the definition of European policies have shown that, contrarily to liberal intergovernmentalist hypotheses, 'small states' (usually defined in terms of their population and territory) are not always kept out of European decisions. This literature highlights the conditions under which small states can influence European decisions: the building of alliances and the maximisation of joint action (Rothstein, 1968), their reputation and expertise in a

⁶ In this paper, I use the term 'conservative-corporatist' when I refer to the welfare regime and 'continental' to refer to the countries/leaders in a more general sense.

⁷ According to André Sapir, "there is a strong case for reforming European labour market and social policies, especially in continental and Mediterranean countries (...). By relying on strict employment protection laws at a time of rapid change when old jobs and practices are no longer warranted, it discourages adaptation to change and preserves the status quo. The system therefore reduces overall employment and raises unemployment" (2006: 381).

⁸ In these countries, workers contribute to the unemployment benefits funds when they are employed. Thus, in case of unemployment they have earned the right to benefit from unemployment insurance because they previously contributed to the system (when they were working). From this follows that, traditionally, they are not asked for counterparts (participation in training schemes, accepting jobs that do not completely fit with their skills, etc.).

given field (Kronsell, 2002), or the ability to use their Presidency of the European Council to influence European objectives (Björkdahl, 2008)⁹.

As such, the recognition of the role of small states in the EU decision-making is not a crucial challenge to liberal intergovernmentalist theory. If it were not the case, liberal intergovernmentalists would still be comfortable if they can show that the definition of such policy objectives does not undermine continental governments at the national level or if they prove that European objectives serve continental leaders. Indeed, as long as the definition of a policy model incompatible with traditional conservative-corporatist schemes actually legitimizes a new policy agenda in these countries it can thus strengthens national continental executives. In other words, “pooled sovereignty” does not mean that the role of states in the European systems diminished (Milward, 1992). As I have shown, European schemes contradict conservative-corporatist schemes. It could be argued that European demands on flexicurity actually serve continental leaders when they want to reform conservative-conservative policies; this is probably the case. However, even if it were the case and that the definition of flexicurity happens to serve the interests of national executives in conservative-corporatist welfare regimes, the point I want to make is that the example of European flexicurity does not confirm the crucial role of member states (understood as national executives and political leaders) in this case of EU policy-making. This paper instead argues that the emergence of the flexicurity model at the European agenda occurred with no crucial political debate. While Scandinavian member states’ reputation in the employment policy field is supported by conclusive proofs (notably, in *Employment in Europe* reports since the 1990s), they did not engage in uploading strategies, nor did they take up the opportunity given by their Presidencies of European Councils to promote such European goals. National executives and political leaders (from both ‘large’ and ‘small’ states, conservative-corporatist or social-democrat – i.e., Scandinavian – welfare regimes) were conspicuous by their absence in their traditional European fora (European Council, Council of the Ministers); so were national bureaucrats (Committees of the Council, Permanent Representations).

1.2. The surprising absence of political commitment by national representatives

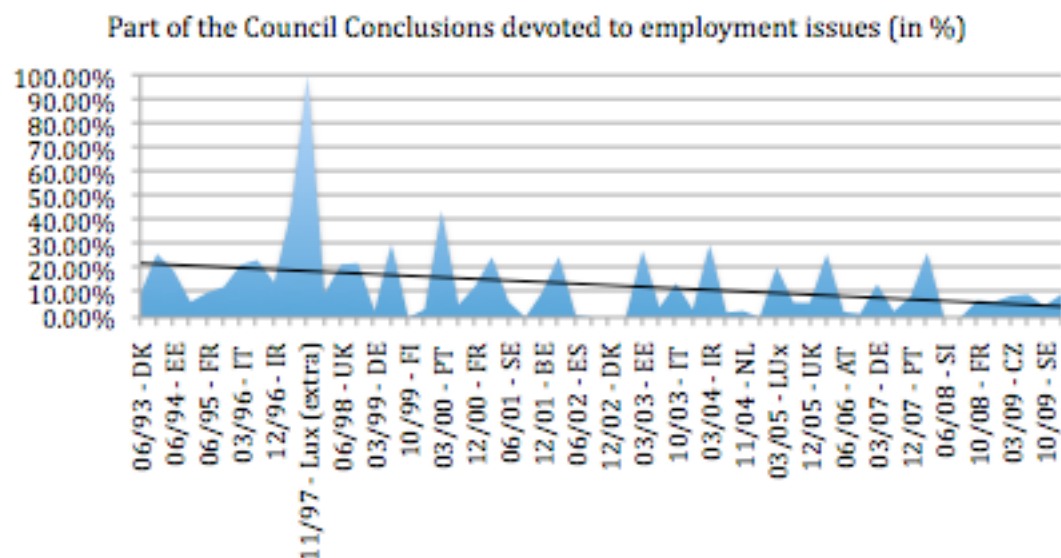
The European Council is probably the most evident instance in which political leaders

⁹ Such studies and particularly the ones that have been interested in the role of Nordic states have particularly focused on the European foreign and external relations policies.

can find the opportunity to engage in bargaining process when they want to contribute to the definition of European policy objectives (Moravcsik, 2002). It is also the most natural forum in which they can try to upload their model. The case of environmental policies has been an example to show that member states (political leaders, ministers, national bureaucrats) engage (in European Councils as well as in the Council of Ministers) in uploading strategies of their domestic policy models in the aim of developing European policies according to domestic preferences. Thus, they can decrease implementation costs when they have to transpose European directives (Liefferink and Andersen, 1997, 1998; Börzel, 2002).

Figure 1 highlights that the proportion of discussions devoted to employment issues between the head of states and governments during European Councils have decreased from 1993 to 2010.

Figure 1. Part of the Council Conclusions devoted to employment issues



With the exception of the high salience of employment issues discussed at the Luxembourg Council (extraordinary Council on employment) in 1997, which defined the European Employment Strategy (or the 2000 European Council in Lisbon which defined the Lisbon Strategy), the discussion over employment issues are not only marginal but also decreased. Otherwise, we see that, as far as they preside the European Council, Scandinavian countries (Sweden, Denmark) or the Netherlands

(that all were the subject of European attention in the process of designing European flexicurity and were presented as models by the Commission) were not particularly involved in the discussion on employment issues. Such observation is largely confirmed by interviews in Nordic and others Permanent Representations of the member states to the European Union. Several reasons explain that Scandinavian countries were not promoters of the development of flexicurity at the European level. First and foremost, their governments do not call for the development of European integration in the social and employment field, but rather wish to keep this field autonomous from European institutions. Second, national representatives from Nordic countries consider that their employment policy schemes are part of a complex and balance context that includes social dialogue, high representation of workers within trade unions and a strong integration within the international economy; a context that can not easily be transferred or imitated in different national settings¹⁰.

This does not mean that the European Councils were completely silent on the issue. During the first semester of 2006, the Austrian Presidency placed flexicurity on the agenda of an informal meeting of European Ministers of Employment, Social Policy, Health and Consumer Affairs. A few weeks later, the Commission provided a first attempt to define flexicurity in its “2006 Employment in Europe Report” in which country-scores are presented and the four elements presented in the further 2007 Communication already presented. In January 2007, the German Presidency organized an Informal Meeting of the European Labour Ministers. The ‘quality of work’ a term that is not central in the definition of the Commission presented in its 2007 Communication. Moreover, German representatives expressed the need to take a “less is more approach” and did not favour more regulation at the European level. In all cases, European Council Presidencies were either not crucial or not considerably favourable to the development of European regulation in that field.

Also, national representatives from these countries were not completely absent from the process of construction of the European model of flexicurity. The Swedish Minister of Labour presented his views on flexicurity at the Employment and Social Affairs Committee of the European Parliament on 11 April 2007. Also, Wim Kok, former Prime Minister of the Netherlands (1994-2002), can be considered as the only politician who clearly and significantly supported the model, both in the Netherlands

¹⁰ Interviews, 31 May 2010 (c), 1 June 2010 (a), 3 June 2010 (a), 4 June 2010 (a).

and in Brussels (as well as punctually in others European capitals). Kok's European reports for the Commission were both very important in the history of the construction of the flexicurity model¹¹. However, I argue that DG EMPL of the Commission needed and asked for such a commitment that directly participated in DG EMPL's interest in a time where political support was precisely lacking. This does not undermine their political interest for the issue but shows that their support was more the result of a call from the Commission than of their autonomous will to explicitly upload policy models they have implemented at home.

In the second half of 2006, the Finish Presidency asked the Employment Committee of the Council of Ministers (EMCO) to work on a further definition of the flexicurity concept on the basis of the 2006 Cambridge review¹² and the National Reforms Programs¹³. The emphasis is put on people at the margins of the labour markets, flexicurity and life-long learning for older workers¹⁴. Within the Council of Ministers, a resolution was adopted on 9 October 2007. Flexicurity was presented as a European need in a context of ageing population and international competitiveness. Not surprisingly, the resolution also insisted on the variety of policy strategies that can be derived from the model, the refusal of a 'one-size-fits-all' policy being an important element for the member states. It also called for maintaining efforts toward sound and financially sustainable budgetary policies and the cost-effectiveness of the measures taken at the national level.

Actually, the main point of disagreement that was raised by the member states concerned the definition of policy pathways that the Commission wished to present. Member states rejected this approach, which was seen as a guide for policy reforms because they did not want to be caught in a "one-size or four-size fits all policy"¹⁵. More precisely, they locked a future possibility for the Commission to evaluate their reforms and reject the idea of reforming according to policy-sequences. As a result

¹¹ *Jobs, Jobs, Jobs. Creating More Employment in Europe* (2003), and *Facing the Challenge: The Lisbon strategy for growth and employment* (2004).

¹² Cambridge Reviews are conducted on a yearly basis by the Employment Committee of the Council. They evaluate national progress in the field of employment reforms.

¹³ Since the relaunch of the Lisbon Strategy in 2005, member states hand out National Reforms Programs (NRP) to the Commission every year. In these NRP they present the measures they have taken to answer European goals. They serve as a basis of an evaluation by the Commission and the Council.

¹⁴ Report of the EMCO Ad Hoc Group on the outcome the Cambridge Review country examination of the employment sections of the NRPs for 2006, EMCO/21/131106/EN- final.

¹⁵ Interview, 1 June 2010.

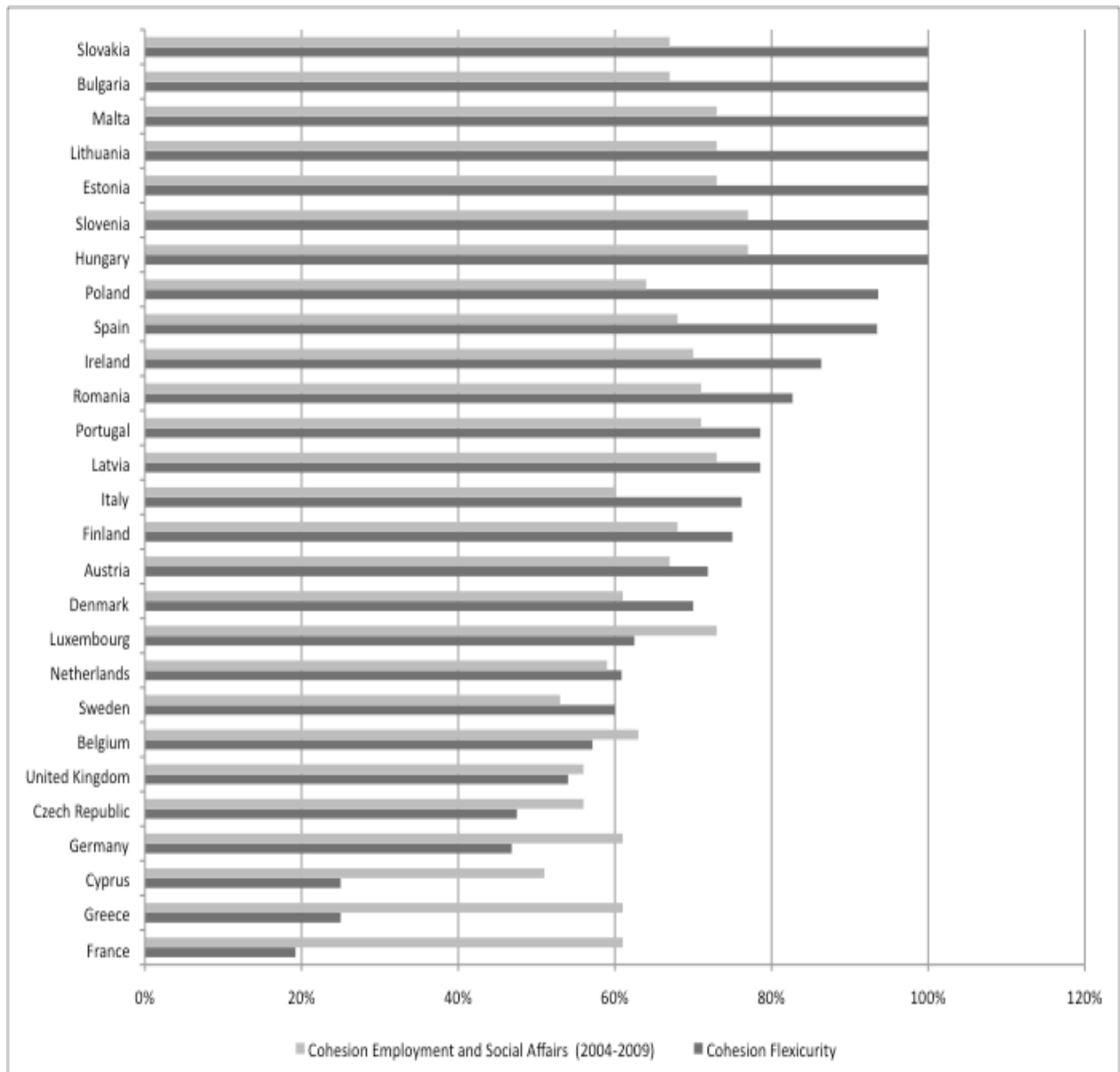
the ‘pathways’ were not directly included in the Communication but only presented in the annex, which makes them not compulsory.

All in all, as far as European Councils and Council of Ministers are concerned that represent national interests in Brussels are concerned, they have not been instances of high promotion of flexicurity. In the process of construction of the flexicurity model, political action was far from being crucial. In that sense, the paper confirms that member states had never been keen on ceding even competence to the Union over social policy.

1.3. Absence of politicisation in the phase of construction of the model

Another way to evaluate the role of the member states in the construction of European flexicurity is to look at the votes at the European Parliament on the resolution. Of course, such data are not concerned with national representatives as such. Members of the European Parliament are not supposed to represent the national interest but are organized according to political groups. However, such data give clue on the national cohesion behind flexicurity. Figure 2 shows that, contrary to France and Germany (two major continental countries and conservative-corporatist welfare regimes), eastern and Mediterranean countries were more cohesive on the flexicurity issue than they were on employment and social affairs in general.

Figure 2. Votes European Parliament – Cohesion per member states



Source: www.votewatch.eu

The European Parliament engaged in the formal process of discussion about the text after the publication of the Commission on June 27th, 2007. However, the issue did not raise important political debates within the European Parliament's Committees. Although the rapporteur on the issue, Ole Christensen is from Denmark¹⁶, the Danish

¹⁶ Group of the Progressive Alliance of Socialists and Democrats.

experience was not directly referred in his report¹⁷. More precisely, as far as national models are concerned, they were only quoted once (“the Nordic and the Netherlands”) in an argument that referred to the comprehensive system surrounding flexicurity in these countries¹⁸. It mentioned “the widespread fears that the term has been hijacked to provide cover for what is essentially a deregulatory drive, giving priority to the needs of employers over those of employees”¹⁹. The main issue stressed in the report was the statement according which open-ended contracts should form the basis of a social security system, a point that directly challenged the Commission’s interest in the implementation of more flexible contracts (stated as the first pillar of flexicurity in COM 2007(359)).

The final resolution of the European Parliament was very close from Christensen’s report and focused on the need to support the ‘European Social Model’ and the balance between the elements of the flexibility-security axis²⁰. It was rather positive on the ‘flexicurity pathways’ brought by the Commission and rejected by the Council²¹. Also, the report largely focused on labour law issues. This is not surprising because the European Parliament does not have an explicit and decisive role in the policy processes that derived from the soft law approach, amongst which flexicurity and most employment policy issues are concerned with. Its role is much more important in the co-decision process when hard law (that is, directives) is concerned²². The strong interest in labour law was not irrelevant since the Commission issued a *Green Paper on labour law to meet the challenges of the 21st century*, on November 22, 2006, a theme directly related to flexicurity.

The debates within the different Committees of the European Parliament are relevant sources to trace the politicisation of flexicurity (that is: the way public debates are

¹⁷ Ole Christensen, Draft Report on “Towards Common Principles of Flexicurity: More and better jobs through flexibility and security”, (2007/0000(INI)), Committee on Employment and Social Affairs, 29 August 2007.

¹⁸ Idem.

¹⁹ Idem.

²⁰ European Parliament reference number: A6-0446/2007 / P6-TA-PROV(2007)0574.

²¹ As a consequence of member states refusal to draw pathways, which were seen as too constraining, the ‘flexicurity pathways’ do not appear in COM 2007 (359) but are annexed to the document. This has been the most conflictual debate between the Commission and the member states.

²² Also, such a stand is not irrelevant since the Commission issued a *Green Paper on labour law to meet the challenges of the 21st century*, on November 22, 2006.

given a political character). Academic work shows that the European Parliament is able to play a strong role in the politicisation of social issues, the ‘Bolkenstein directive’ (or ‘service directive’) being the best recent example (Crespy, 2010). In the relevant Committees of the European Parliament, the debates were not harsh but rather focused on the natural issues concerned in each Committee. For instance, while the Committee on Economic and Monetary Affairs regretted that rigid national employment protection levels and reminded that internships are valuable for young people to gain experience, the Committee on Culture and Education highlighted the need to implement the transferability of acquired social security rights and the Committee on Women’s Rights and Gender equality stressed the need to support the smoothest possible transition from one job to another, including parental leaves, but also the gender-sensitive definition of the common principles of flexicurity.

Table 3 sums up the votes within the different Committees of the European Parliament and shows that the Committees interested in the issue did not reject the flexicurity model. Indeed, only one vote occurred against the text at the Committee on Culture and Education. However, the final vote over the EP’s resolution was less consensual since 93 MEPs finally voted against the text.

Table 3. Votes in the European Parliament’s Committee

	For	Against	Abst.
Committee on Employment and Social Affairs	36	6	1
Committee on Economic and Monetary Affairs	39	0	0
Committee on Culture and Education	20	1	0
Committee on Women’s Rights and Gender Equality	16	0	0
Final vote 29 November 2007	492	93	51

Source: Legislative Observatory, European Parliament²³









Another perspective is given by an analysis of the votes within political groups. Table 4 makes it clear that the politicization of flexicurity in the European Parliaments does not necessarily follow classical left-right divides. The four most important groups – EPP-ED, ESP, ADLE and UEN – voted predominantly in favour of the resolution. The only consistent and unified opposition came from the GUE, while the Greens, NI and IND/DEM were somewhat hostile to the resolution but highly divided.

²³ <http://www.europarl.europa.eu/oeil/file.jsp?id=5531922>

Another valuable information that one can draw from Table 4 is that right-wing political groups tended to be highly cohesive during this vote, while left-wing groups were more divided. All right-wing groups were more cohesive during this vote than during all votes on Employment and Social Affairs (+4.83 percentage points for the EPP/DE, +10.34 points for ADLE and +25 percentage points for the UEN). On the contrary, left-wing groups tended to be more divided during this vote than other votes on Employment and Social Affairs (-19,84 points for the ESP, -37,14 points for the Greens and -25,03 points for the GUE).

The conclusion that can be drawn from this information is that flexicurity schemes, as decided by the European Parliament, do correspond rather well to all national centre-right parties and their MEPs, while left-wing parties had a hard time opposing these measures, hence making the vote not political as such. Despite of such results, it may be too early to speak of “post-adversarial politics” at the EU level (Radaelli, 1999: 758). Indeed, after the Communication of the Commission, the case of flexicurity has indeed been politicized at the national level. However, the focus of this paper is on the emergence of the European model of flexicurity and the process of its European definition. It shows that flexicurity was not very politicized during this first phase (emergence and construction of the model as opposed to its reception and the way it was discussed at the national level once it was defined at the European level).

Table 4. Votes by political groups

	For	Against	Abst.	Total members	Cohesion Flexicurity²⁴	Cohesion Employment and Social Affairs (2004-2009)
 PPE-DE	215	6	8	281	90,83%	86%
 PSE	149	14	20	218	72,13%	92%
 ALDE/ADLE	80	2	0	104	96,34%	86%
 UEN	35	0	0	45	100%	75%
 Greens/EFA	1	24	10	42	52,86%	90%
 GUE-NGL	0	23	6	41	68,97%	94%
 NI	9	10	6	35	10,00%	NA
 IND/DEM	3	14	1	23	66,67%	47%
Total	492	93	51	789		

All in all, the first section of this paper shows that European institutions were, by no means, agents of national governments. National leaders or national bureaucrats did not push European flexicurity forward. European Councils and Council of the Ministers were, by no means, agents of national governments. At the European Parliament, the four most important groups (EPP-ED, ESP, ADLE and UEN) voted predominantly in favour of the resolution. Furthermore, the politicization of flexicurity in the European Parliaments did not follow classical left-right divides. Right-wing political groups tended to be highly cohesive during this vote (more than they were on employment and social affairs during the 2004-2009 legislature). Left-wing groups were more divided and not cohesive in their opposition.

To complement this section on the weak influence of politics, the role of social

²⁴ 'Cohesion' shows to what extent a European Party Group voted as a block.

partners has to be discussed. The paper argues that their role was not crucial in the phase of definition of flexicurity, that is, they were not at the centre of the process. This does not mean that the issue disinterested them. For the first time, they presented a joint analysis of labour market problems at the Tripartite Social Summit in Lisbon on 18 October 2007 and agreed on a set of flexicurity guidelines, but they were not at the origins of the process²⁵. Rather, the paper argues that their joint analysis was used by the Commission to outwit political hostility of trade unions representatives in Brussels. The European Trade Union Confederation (ETUC), which has since increasingly been concerned with the threat that the flexicurity model represents for workers' rights, now argues that flexicurity was designed to make it easier for employers to hire and fire workers.

If social partners welcomed the debate on the shift from rights linked to employment to rights linked with the individual, their role in the construction and acceptance of a European model of flexicurity is rather ambiguous. Indeed, according to Commission's officials, the agreement would not have been reached if social partners were not on board²⁶. The need to enrol social partners is explicit for the Commission: "flexicurity was a break-through to speak about de-regulation of the labour markets while bringing the social partners on board"²⁷. Social partners' agreement was of particular political importance for the Commission because its services were conscious of the need for national ownership. Thus, the 'pathways' approach defined in the 2007 Communication directly targeted social partners. The aim was also to give them the power to engage in social dialogue and to make compromise²⁸.

From the social partners perspective, this issue was very difficult to deal with. It was not easy for their representatives in Brussels to oppose the concept as it was devoted to increase security for workers, but also because the Danish model was seen as an example of enhanced social dialogue, an essential element they could not reject. However, from their perspective, the Commission largely harnessed their agreement: "the sixty pages analysis of the Joint Agreement [with Business Europe] was reduced

²⁵ "Key Challenges facing European labour markets: a joint analysis of European Social Partners", 18 October 2007.

²⁶ Interview, 31 May 2010 (a).

²⁷ Interview, 3 June 2010 (a).

²⁸ Interview, 31 May 2010 (a).

to one word, as if we had accepted the term ‘flexicurity’”²⁹. Members in ETUC recognize that flexicurity is a difficult debate with national trade unions. The issue has become even more sensitive since the beginning of the financial and economic crisis and the considerable rise of European unemployment.

The conclusion of this first section is that European institutions were, by no means, agents of national governments. As such, political process was largely insignificant to explain the construction of the European model of flexicurity. National political leaders did not promote the development of European integration in the employment policy field, a confirmation of most academic work on ‘Social Europe’ (Leibfried and Pierson, 1995). National bureaucrats in member states’ Permanent Representation to the EU were not involved in the uploading of their domestic policy models. Finally, the European Parliament was not a forum of politicisation of flexicurity. The issue was not completely depoliticised but the politicisation of flexicurity did not follow a classical left-right cleavage. All in all, politics were not central in the definition of the European model of flexicurity.

The following section argues that the construction of the policy model has only been possible because specific actors, DG EMPL (and particularly its Directorate A in charge of Employment Strategy, policy development and coordination) and academic specialists in the field of labour market policies, formed a policy coalition and used specific instruments to build on a policy model that corresponds to their interests.

SECTION 2. “LET’S BANDWAGON!” AND THE USE OF ACADEMIC EXPERTISE: MAKING POLICY DESIRABLE

The first section of this paper highlights that, in the case of flexicurity and contrary to the main intergovernmentalism’s legacy, national governments were not gatekeepers of European integration. This second section shows that they did not have the monopoly of contacts between national actors and the EU political system. Rather, it contributes to the academic literature on the role of experts in the EU policy-making. Bennett and Howlett (1992) showed that knowledge is not simply “out there” readily available for policy-makers but has to be constructed - and used - by the relevant stakeholders. The case of flexicurity shows that the Commission explicitly called for

²⁹ Interview, 3 June 2010 (b).

expertise to precise and define European policy objectives.

The literature on the role of experts in the EU policy-making tends to focus on organized policy knowledge in epistemic communities (Haas, 1992; Zito, 1998, 2001), experts groups (Gornitzka and Sverdrup, 2008), high-level groups (Horn, 2008), networks of expertise (Radaelli, 1998), think tanks (Stone, Denham and Garnett, 1998) or Committees (Pedler and Schaefer, 1996; Joerges and Vos, 1999). With Radaelli such studies show that "knowledge has less to do with specific actors than with the structure in which actors act" (1999: 769). Without undermining the importance of the 'nature of power', this paper shows that the types of actors not only matters but also that their influence does not only depend on the organizational structures in which they publicize their ideas. In the case of flexicurity, structured organizations and instances of academic expertise were not as crucial (or at least, they were so diverse that it is difficult to evaluate their role as such). Arguing that organizational structures were not as important for an analysis of the role of academic expertise may be surprising from a political science perspective. Indeed, as Radaelli put it, the main debate on the role of expertise in policy-making "is not about types of actor (experts instead of elected politicians) but about the change in the nature of power" (1999: 759). However, this section shows that their influence occurred through various sources of instances. Such variety blurs the structure of the organisation of academic expertise at the European level and makes such an influence precisely unstructured. This was possible because flexicurity was discussed in the context of soft law and the OMC. Indeed, the development of periodic monitoring of national social reforms, implied by the OMC has led to an increasing pace of European reporting. This section shows that European reports dealt by DG EMPL were particularly important to craft 'successful policy models'. Academic expertise was presented in these reports. As such, these reports were more crucial in the definition of flexicurity than structured instances of academic expertise.

During the process of construction of the European flexicurity model, academics entered the game of European policy-making and were influential in the orientation of new policy objectives. It is clear that European bureaucrats in DG EMPL (and particularly within its Directorate A in charge of Employment Strategy, policy development and coordination) made their entrance in the process possible. This second section shows how this coalition of actors has been built around the

development (and constant increase) of the use of various forms of reports ('scientific' reports signed by academics or the OECD, Employment in Europe reports, assessment reports of European policies). In the aim of drawing the policy objectives of the EU, these reports have presented the situation, evolution and evaluation of national employment policies, which has led to their comparison. The focus on specific states (a strong interest in the Dutch performances in the late 1990s and early 2000s, then replaced by the focus on Scandinavian performances, among which Denmark) has conducted to the staged competition of national employment policy measures. This competition finally conducted to what I call a "let's bandwagon strategy". What I mean is that, drawing on such evaluation and competition, the Commission called the countries laggards to bandwagon. Simultaneously, academic expertise on labour market policies were used to both legitimize the models that were made valuable by the Commission and to develop the principles of such policies schemes. While according to Radaelli, "the power of expertise is being counterbalanced by politicization" (1999), this paper shows that the use of expertise has accompanied the (relative) depoliticization of flexicurity studied in section 1.

2.1. Comparisons and peer-reviews as support to policy-modeling

The relauch of the Lisbon strategy and the decision to ask each member state to draw a NRP opened the box of policy evaluation to address national progresses linked with the Lisbon targets. However, since the implementation of the EES, the comparisons between employment protection legislations were conducted at the Council. In the late 1990s, Dutch performance emerged during such comparisons. The Dutch 1999 Flexicurity Act raised important interest for other member states. However, Dutch employment policy reforms were soon criticized because they involved important female part-time as well as because the disabled status was designed as such that employment rates were perceived to be higher. Such particularities were finally not considered as desirable and were hence "difficult to sold" to other member states³⁰. The best practices of the "Dutch miracle" were replaced by the Danish employment policies "golden triangle". It is constructed around the three elements of flexible labour markets, generous unemployment benefits and active labour market policies.

³⁰ Interview, 31 May 2010 (a).

The Danish model of flexicurity soon appeared as more complete and more competitive than the Dutch one. Maybe more importantly, the Danish model was also seen as a way to take social partners on board in a context of social criticism of the Dutch model's shortcomings. The strong social dialogue and role of trade unions in Denmark as well as the high social protection of citizens was hardly criticisable from a trade union perspective, even more because it was presented as an alternative to the liberal model promoted by the OCDE in the 1990s. The Dutch model was hence overshadowed by the Danish model. However, Scandinavian countries cannot be considered as typical model providers in the sense that they did not politically invest in uploading strategies. The traditional distance maintained by Danish political leaders with regards to European integration did not change in that period. Although they welcomed numerous bilateral diplomatic missions in Copenhagen, they largely insisted on the non-transferability of their model, which they see as part of a complex system³¹. At the same time, the enlargement of the EU raised new issues: it was difficult to know which social protection systems would be more easily accepted by eastern European countries. In the early 2000s, the competition between the British liberal social protection system, the Danish social-democratic model and the Dutch mix of Scandinavian and continental-corporatist model was harsh. However, several OECD studies underlined the social costs of the British system and stressed the high number of workings-poor in the UK. Moreover, in 2004, Blair's third way comes to political exhaustion. The focus was thus rebalanced towards the Scandinavian model. At that time, the easiness of redundancy in Denmark was also acceptable for the liberals.

2.2. Reports to design: policy-modeling as legitimacy

The objective of this subsection is not to present the broad history of European employment policy but rather to show that the 2003-2005 period was a crucial juncture that provides a basis to develop the flexibility-security axis. It shows that the relaunch of the Lisbon Strategy is a crucial step to explain the stabilization of flexicurity in 2007 and that, in this process, academics have been largely mobilized by the Commission.

³¹ Interview, 4 June 2010 (a).

The Lisbon Strategy was defined at the European Lisbon Council in 2000. Its aim was to make the EU "the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion", by 2010. During the second part of the 2000s, the consensual objectives of the Lisbon Strategy found a tacit political consent but did not spark off enthusiasm of political leaders or citizens across Europe. These objectives were nevertheless soon criticized for their openness³². The various mid-term evaluations of the Strategy called for enhanced governance and the introduction of follow-up evaluation of national progresses by the Commission. The strengthening of European governance called for a more concrete definition of the objectives pursued. The instruments used in that field contributed to raise political attention toward the Scandinavian performances.

Since the early 2000s, the Commission often mobilized experts whose aim was to discuss flexicurity, its principles and possible applications in different domestic settings.

The European Council held in Brussels in March 2003 invited the Commission to establish a European Employment Taskforce, headed by Wim Kok, former Prime Minister of the Netherlands from 1994 to 2002. The objectives set by the Council were to examine key employment-related policy challenges and to identify practical reforms measures that can have the most direct and immediate impact on the ability of the member states to achieve the objectives and targets of the European Employment Strategy (EES). DG EMPL held the secretariat of the Employment Task Force. Antonis Kastrissianakis, Director of Directorate A (Employment and European Structural Fund Coordination) in DG EMPL, formally acted as Secretary, with the support of Hélène Clark, Head of Unit A2 (Employment strategy) and Luc Tholoniati, member of the Employment Strategy Unit. The Task Force was composed of seven other members, five of them were academics specialized in labour market policies³³.

³² See for example, Jean, Pisani-Ferry, (2005) « What's wrong with Lisbon? », Paper prepared for the Munich Economic Summit in June 2005. Published on the web site www.bruegel.org, consulted on March, 20th, 2007, but also the Kok report, 2004, (see below).

³³ The five academic members were: Carlo Dell'Aragna (Professor at the Institute for Microeconomics and Labour at the University of Milano), Federico Duran Lopez (labour market specialist and Professor of Employment and Social Security at the University of Cordoba), Maria João Rodrigues (Professor at the Higher Institute for Business and Labour

The two other members were representatives of social partners³⁴. As noted earlier, Wim Kok was the main politician involved in the definition of flexicurity at the European level. As former Prime Minister of the Netherlands (1994-2002), he was the leader of the ‘purple coalition’³⁵ and hence considered by the Commission as a needed and relevant go-between between the left and right³⁶. The first report by Wim Kok, entitled “Jobs Jobs Jobs, Creating more employment in Europe”, was published in November 2003. The ambition of Wim Kok was also to stress the Dutch recent employment reforms: “Jobs, jobs, jobs” was also the slogan of one of its 1993 political campaign in the Netherlands³⁷.

In 2004, he is asked another report on the assessment of the Lisbon Strategy. Importantly, the task force did not represent academics as much as the previous one. This time, in the context of the relaunch of the Lisbon Strategy, the aim was not so much to discuss employment policy objectives, but rather to increase the national ownership of the Lisbon Strategy. As the part devoted to employment policy analysis was presented in the previous report (2003), the “employment narrative was already there” and in fact used to reinvigorate the Lisbon Strategy³⁸. Hence, the 2004 task force was rather composed by social and economic partners representatives. Only two members were academics³⁹. The report announced: “the challenge for the labour market is to find the right balance between flexibility and security”⁴⁰. It invited the member states to take political initiatives to improve internal and external flexibility of labour markets, suppress the obstacles to part-time work and promote new forms of security in the employment and revenues field. Lisbon II consolidated the policy ideas

Studies of the Lisbon University Institute and also President of the Social Sciences Advisory Group to the European Commission), Christopher Pissarides (Professor of Economics and Director of the research programme on Technology and Growth at the Centre for Economic Performance, London School of Economics and Günther Schmid (Director of Employment, Social Structure, and Welfare State at the Social Science Research Center in Berlin and Professor of Political Economy at the Free University of Berlin).

³⁴ Anna Ekström was President of the Swedish Confederation of Professional Associations (SACO) and Annette Roux was CEO of the Bénéteau company.

³⁵ Cabinets Kok I and Kok II comprised Kok’s Labour Party, the People’s Party for Freedom and Democracy, and the Democrats 66.

³⁶ Interview, 3 June 2010 (c).

³⁷ I owe this information to an interviewee.

³⁸ Interview, 31 May 2010 (a).

³⁹ Luigi Paganetto (Professor of international economics at Rome-Tor Vergata University) and Dariusz Rosati (Professor of economics) who was also Member of the European Parliament since June 2004.

⁴⁰ Report from the High-Level Group chaired by Wim Kok, *Facing the Challenge, The Lisbon Strategy for Growth and Employment*, November 2004, p. 33.

of the EES and also used knowledge available at DG EMPL, developed through the “Employment in Europe Reports” since the 1990s. Hence, instead of reinforcing the intergovernmental governance of the social field at the European level, Kok’s reports consolidated the vested priorities of the EES. The rapid relaunch of the Lisbon Strategy and the agreement toward reinforced governance would not have been possible without the experience of the previous decade. According to some experts within the Commission, the EES was institutionally expelled to leave some room to the Lisbon Strategy⁴¹. According to one interlocutor, “at that time, we were losing the momentum”⁴². Because of the strong critics of the mid-term Lisbon’s failures, the new Commission decided to concentrate on the main issue for citizens and their political leaders: it hence made economic growth as its core business and coupled it to the fight against unemployment. The refocus of Lisbon II on growth and jobs illustrated this concern. To some interviewees in the Commission, Lisbon II marked the real start of the Lisbon Strategy. It then tried to involve member states’ political leaders to promote an integrated strategy with reinforced bilateral relations between the Commission and national governments. Following the need of narrowing the gap between both processes (economic and employment), the BEPGs and the Employment Guidelines were both merged into the same document. In 2005, the relaunch of the Lisbon Strategy (Lisbon II) focused on the involvement of member states’ political leaders and promoted an integrated strategy. For some, Lisbon II marked the real start of the Lisbon Strategy. Actually, in practice, experience showed that the new Integrated Guidelines contributed to the expulsion of the EES, so that it could leave room to the Lisbon Strategy⁴³.

In the summer 2006, DG EMPL created the Expert Group on Flexicurity. Four out of five of its members are academics specialised in labour market policies, among which Tom Whiltagen was rapporteur. Tom Whiltagen is a Dutch academic who was highly influential in the emergence of flexicurity at the European level. Two other experts who were affiliated to the social partners, were advisors in the group. The main task of the group set the Commission was to review relevant academic literature and identify the national practices in that field. The aim was clearly to advise the Commission on the necessary conditions of flexicurity policy measures in order to

⁴¹ Idem.

⁴² Interview, 3 June 2010 (c).

⁴³ Interview, 31 May 2010 (a); 3 June 2010 (c).

help for the definition of flexicurity pathways, that will be integrate in the Communication of 2007 (and finally, as a result of member states' rejected of the approach, only in the annex of the Communication). During the meetings of the Expert Group on Flexicurity, an Inter-Service Steering Group led by DG EMPL was sometimes present in order to smooth the process with Commission's other directorates general⁴⁴.

The Commission used such academic knowledge in various reports carried by DG EMPL. This paper hence confirms Cram's assertion on the policy entrepreneurship capacity of the Commission, an institution whose main resource is the possession of knowledge (1993). This section sheds light on the sources of the Commission's knowledge and the way it DG EMPL organized it in the case of flexicurity.

Günther Schmid, member of the 2003 Task Force held by Wim Kok is a German politist and economist, director of the "Labour market policy and employment" unit research of the Social Science Research Centre in Berlin (Wissenschaftszentrum Berlin für Sozialforschung, WZB). He introduced the concept of transitional labour markets in the early 1990s. He then collabourated with Bernard Gazier, a French economist, member of the *Institut Universitaire de France* and they both actively engaged in the uploading of this policy model in their respective countries but also within international organizations: the OECD, the European Commission and the International Labour Organization (ILO). In this latter organization they soon collabourated with Peter Auer, currently chief of the employment analysis and research unit of the Economic and Labour Market Analysis Department of the Employment Sector, at the ILO. Peter Auer was formerly a research fellow at the WZB and head of the European employment observatory. Schmid, Gazier and Auer developed the concept of transitional labour market stressing that full-employment is possible but that transitions (from education to the first job, from one job to another, from work to family life or from work to retirement) are not sufficient and equally secure. They stated that in order for people to take new risks and thus increase employment rates, such transitions should be secure collectively and entail a mix of socialized and market insured risks (Schmid and Gazier, 2002; Auer and Gazier, 2002). However, despite of the strong influence of their work, their notion was not picked up as such by European institutions in their stabilized policy documents.

⁴⁴ Interview, 17 June 2010.

The work conducted by Tom Wilthagen a Dutch sociologist highly involved in European and networks activities in the field of labour market policies, was crucially influential. As rapporteur of the European Expert Group on Flexicurity set up in 2007 he worked on the definition of the flexicurity pathways introduced in the annex of COM2007(359). He was also a member of other EU working groups established by the Council of Europe⁴⁵ and contributed to the work of the European Parliament on the modernization of labour law. Furthermore, he is the current director of the multidisciplinary and inter-faculty research Institute for Research Institute for Flexicurity, Labour Market Dynamics and Social Cohesion (*ReflecT*) which was set in January 2009 at Tilburg University. Importantly, Tilburg University now holds an important network of academics on flexicurity, which has become the main academic forum for research on employment, labour markets and flexicurity.

Tom Wilthagen started to work on the flexicurity neologism in the late 1990s (Wilthagen, 1998). The Commission largely picked up his definition, which was quoted in the 2006 Employment in Europe report⁴⁶. It seems that Wilthagen's capacity to express understandable views to a large audience was also used by the Commission, so that he was able to find a public echo among political decision-makers in Europe.

Tom Wilthagen was, of course, not the only academic to develop such a notion. Per Madsen, a Danish also developed academic work on flexicurity with his colleagues (Bredgaard, Larsen, Madsen, 2005; 2006). They focused on the 'Danish Golden Triangle' (loose legislation on employment protection, generous social safety net for the unemployed, active labour market policies) that was also used in the 2006 Employment in Europe report. Madsen et al. also focused on the transferability of the Danish model (Bredgaard, Larsen, Madsen, 2006; Jørgensen and Madsen, 2007).

The neologism "flexicurity" was considered as a more meaningful term for political leaders, social partners and European citizens, than were other terms like the

⁴⁵ EU working group on self-employment and micro businesses and of the Working Group on the Reconciliation of Labour Market Flexibilization and Social Cohesion.

⁴⁶ Employment in Europe, 2006: 77: "a degree of job, employment, income and combination security that facilitates the labour market careers and biographies of workers with a relatively weak position and allows for enduring and high quality labour market participation and social inclusion, while at the same time providing a degree of numerical (both external and internal), functional and wage flexibility that allows for labour markets' (and individual companies') timely and adequate adjustment to changing conditions in order to maintain and enhance competitiveness and productivity".

“transitional labour markets” (Schmid and Gazier, 2002; Auer and Gazier, 2002) or “decent work” as the ILO developed it in the late 1990s.

After the relaunch of the Lisbon Strategy and the real start of peer-reviews processes at the Council, the evaluation process of the NRP was disputed between the Commission and the Council. Both institutions decided to enrol in the process. Member states have often criticized the evaluation made by the Commission because of its lack of scientific expertise. The Council hence decided to set a LIME (Lisbon Methodology) group in order to conduct its own evaluation of national measures. The LIME group conducts regular *Cambridge Reviews* especially devoted to employment policies. It also asked the Commission to set a “Mission for Flexicurity”. The aim of the Mission was to identify the differences between national flexicurity measures. “The aim of the Mission was to show that different models coexist”⁴⁷, which was an important issue for EMCO. A clear division appeared between the Nordic countries (which were not interested because they already have implemented flexicurity measures) and the southern countries, which were interested in the concept but have difficulties to implement it. Although the Danish model of flexicurity was recognized as valuable by EMCO, the role of the member states in the construction of the European flexicurity model remains ambiguous. If the flexibility-security axis was rather consensual, each member states have had different interests. Spain was favourable to the concept because the country experienced a lot of atypical work and “did not want to be the bad guy”⁴⁸. Germany was quite favourable to the concept as the government was preparing the Hartz reforms. National leaders considered that using European expertise and successful foreign policy models could be helpful.

CONCLUSION

In 2006-2007, it was clear for EMCO that a “one-size-fits-all” policy model would not be acceptable. Even if DG EMPL of the Commission – and academics working for the Commission – had a particular national model in mind, the non-transferability of the Danish model was particularly stressed by the member states. The Commission hence tried to define common principles of flexicurity and to promote interactions and synergies between different dimensions. The choice was then to define “policy

⁴⁷ Interview, 31 May 2010, (c).

⁴⁸ Interview, 3 June 2010 (c).

pathways” to strengthen the idea according to which European flexicurity was not about the transposition of the Danish model in all member states. Even if it was clear that the Danish model was not completely transferable, it had nevertheless served as a way of making it acceptable for the member states (and social partners). In the contrary, it seems to be clear for Commission’s civil servants that if flexicurity were associated to the UK, the Commission would have failed to make it acceptable⁴⁹. The Danish model was however very useful for the Commission because social partners could hardly defend the idea according which Denmark does not provide a tolerable level of social protection. Moreover, the role of social partners and collective bargaining have always constituted a crucial element of the model and was seen as particularly desirable for trade unions, although they were aware of the short-comings of policy transfers.

In both EMCO and the Commission, the technical dimension to define a hierarchy between priorities, but also to evaluate the progress induced by national policy measures, caused internal debates. Beyond such difficulties, the aim pursued by EMCO was also to provide non-Scandinavian examples of flexicurity in order to counterbalance the Dutch, and then the Danish model, underlined by the Commission.

However, despite the disagreements and conflicts between EMCO and DG EMPL (and one can say, member states opposition to the increasing role of EU regulation in the employment field), this paper showed that the construction of the European flexicurity policy-model was not the result of a political process. Politics (domestic uploading strategies, political leaders and political parties, etc.) cannot explain the emergence of the European flexicurity model. Rather, the alliance between academic experts and a few actors in the directorate general of employment affairs of the Commission took the lead over political mobilization. The use of national policy comparisons in European reports and policy documents allowed DG EMPL to use a “let’s bandwagon strategy” to expand its legitimacy within the Commission and among national actors.

⁴⁹ Interview, 3 June 2010 (a).

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